

REMARKS

Claims 1-4 were examined and rejected. Claims 1-3 are currently amended. Claim 5 is new. Reconsideration and further examination are respectfully requested.

Support for the changes to the claims and also the new claims is in the specification in section 2.a.1.3 “AP Power Adjustment,” at pages 32-41. Particular reference is made to the two paragraphs at pages 33-34 which describe Figure 17.

The presently claimed invention distinguishes the ‘229 patent because the access point adjusts its transmit power as a function of relative difference in distance to the second access point and distance to the mobile terminal device. In particular, the transmit power is set relative to the furthest of the second access point and mobile terminal device. The ‘229 patent, in contrast, teaches that an access point first adjusts transmit power based on negotiations with another AP<sup>1</sup>, and then either selects another time interval<sup>2</sup> or revises the partitioning scheme<sup>3</sup>. It should be noted that the claims have been amended to describe a second access point rather than “one or more” access points for the sake of clarity alone, and not because the invention is limited to any number of associated mobile devices or neighboring access points.

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<sup>1</sup> Column 9, lines 14-20

<sup>2</sup> Column 10, lines 1-5

<sup>3</sup> Column 10, lines 19-25

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

11/28/2006

Date

/Holmes W. Anderson/  
Holmes Anderson, Reg. No. 37,272  
Attorney/Agent for Applicant(s)  
McGuinness & Manaras LLP  
125 Nagog Park  
Acton, MA 01720  
(978) 264-6664

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